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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन  
के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed  
as a separate compilation

## LOK SABHA

The following Bills were introduced in Lok Sabha on the 30th April, 1984:—

BILL NO. 40 OF 1984

*A Bill to confer on the President the power of the Legislature of the State of Punjab to make laws.*

BE it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows:—

1. This Act may be called the Punjab State Legislature (Delegation of Powers) Act, 1984.

Short  
title.

2. In this Act, "Proclamation" means the Proclamation issued on the 6th day of October, 1983 under article 356 of the Constitution, by the President, and published with the notification of the Government of India in the Ministry of Home Affairs, (No. G.S.R. 788(E) of the said date.

Defini-  
tion.

3. (1) The power of the Legislature of the State of Punjab to make laws, which has been declared by the Proclamation to be exercisable by or under the authority of Parliament, is hereby conferred on the President.

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(2) In the exercise of the said power, the President may, from time to time, whether Parliament is or is not in session, enact, as a President's Act, a Bill containing such provisions as he considers necessary:

Provided that before enacting any such Act, the President shall, whenever he considers it practicable to do so, consult a Committee constituted for the purpose, consisting of thirty members of the

State  
Legisla-  
ture to  
make laws.

**House of the People nominated by the Speaker and fifteen members of the Council of States nominated by the Chairman.**

(3) Every Act enacted by the President under sub-section (2) shall, as soon as may be after enactment, be laid before each House of Parliament.

(4) Either House of Parliament may, by resolution passed within thirty days from the date on which the Act has been laid before it under sub-section (3), which period may be comprised in one session or in two successive sessions, direct any modifications to be made in the Act and if the modifications are agreed to by the other House of Parliament during the session in which the Act has been so laid before it or the session succeeding, such modifications shall be given effect to by the President by enacting an amending Act under sub-section (2):

Provided that nothing in this sub-section shall affect the validity of the Act or of any action taken thereunder before it is so amended.

### STATEMENT OF OBJECTS AND REASONS

Under the Proclamation issued by the President on the 6th October, 1983, the powers of the Legislature of the State of Punjab are now exercisable by or under the authority of Parliament. Such legislative measures as may be necessary for that State can be taken up by Parliament only by postponing its business; and even then, it is likely that Parliament may not have time to deal with all the legislative measures for the State. It is, therefore, proposed that Parliament should, in accordance with the provisions of sub-clause (a) of clause (1) of article 357 of the Constitution, confer by law on the President the powers of the Legislature of the State of Punjab to make laws for the State. The present Bill is intended to give effect to this proposal.

P. C. SETHI.

NEW DELHI;  
*The 21st April, 1984.*

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### PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF THE CONSTITUTION OF INDIA

[Copy of letter No. V/11015/3/83-CSR, dated the 21st April, 1984 from Shri P. C. Sethi, Minister of Home Affairs to the Secretary-General, Lok Sabha.]

The President, having been informed of the subject matter of the Punjab State Legislature (Delegation of Powers) Bill, 1984, recommends under clause (3) of article 117 of the Constitution of India, the consideration of the Bill in Lok Sabha.

### FINANCIAL MEMORANDUM

The proviso to sub-clause (2) of clause 3 of the Bill provides for the constitution of a Committee for consultation regarding President's Acts, consisting of 30 Members of the House of the People and 15 Members of the Council of States. Expenses to be incurred in connection with the meetings of the Consultative Committee would be met from the Consolidated Fund of India. This Committee will meet as and when necessary. The expenditure is not expected to be large and is not likely to exceed Rs. 1.35 lakh during the period the Proclamation remains in force. The Bill, if enacted, will not involve any non-recurring expenditure.

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### MEMORANDUM REGARDING DELEGATED LEGISLATION

The power of the legislature of the State of Punjab to make laws which has been declared by the Proclamation issued under article 356 of the Constitution in respect of that State on 6th October, 1983, to be exercisable by or under the authority of Parliament, is sought to be conferred on the President under article 357(1) (a) of the Constitution. Before exercising the aforesaid power, the President is required, whenever he considers it practicable to do so, to consult a Committee of Members of Parliament constituted for the purpose in accordance with the provisions of the proviso to sub-clause (2) of clause 3. Any Act enacted by the President in exercise of the aforesaid power is required to be laid before each House of Parliament and Parliament may direct modifications to be made in that Act [*vide* sub-clauses (3) and (4) of clause 3]. The delegation of legislative power is in pursuance of the express provision in this behalf in article 357(1) (a) of the Constitution and is necessary as it will not be easy for Parliament to find time to deal with the various legislative measures that may be required in respect of the State of Punjab. Under the exceptional circumstances arising out of the issue of a Proclamation under article 356 of the Constitution, this delegation of legislative power is limited to the period when the aforesaid Proclamation dated 6th October 1983, will continue to be in force. To the extent that it has been usual for Parliament to confer on the President such legislative powers, it can be regarded as of a normal character.

## BILL NO. 44 OF 1984

*A Bill to amend the Union Duties of Excise (Distribution) Act, 1979.*

BE it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows:—

**1. (1)** This Act may be called the Union Duties of Excise (Distribution) Amendment Act, 1984.

Short  
title  
and com-  
mence-  
ment.

**(2)** It shall be deemed to have come into force on the 1st day of April, 1984.

**2.** In the Union Duties of Excise (Distribution) Act, 1979 (hereinafter referred to as the principal Act), in the long title, for the words, figures and letters “report dated the 28th day of October, 1978”, the words, figures and letters “interim report dated the 14th day of November, 1983” shall be substituted.

Amend-  
ment of  
long  
title of  
Act 24 of  
1979.

**3.** For section 3 of the principal Act, the following section shall be substituted, namely:—

Substitu-  
tion of  
new  
section  
for  
section 3.

**“3.** During the financial year commencing on the 1st day of April, 1984, there shall be paid, out of the Consolidated Fund of India, to the States sums equivalent to the distributable Union duties of excise levied

Payment to  
States  
of sums

equivalent to a part of the net proceeds of Union duties of excise and provisional distribution of the sums among them.

and collected in that year and those sums shall be distributed, provisionally, to each of the States specified in column (1) of the Table below in such percentage as is set out against it in column (2):—

TABLE

(1)	(2)
State	Percentage
Andhar Pradesh . . . . .	7.691
Assam . . . . .	2.793
Bihar . . . . .	13.021
Gujarat . . . . .	4.101
Haryana . . . . .	1.177
Himachal Pradesh . . . . .	0.521
Jammu and Kashmir . . . . .	0.839
Karnataka . . . . .	4.876
Kerala . . . . .	4.035
Madhya Pradesh . . . . .	8.725
Maharashtra . . . . .	6.632
Manipur . . . . .	0.218
Meghalaya . . . . .	0.200
Nagaland . . . . .	0.097
Orissa . . . . .	4.682
Punjab . . . . .	1.226
Rajasthan . . . . .	4.813
Sikkim . . . . .	0.028
Tamil Nadu . . . . .	7.637
Tripura . . . . .	0.373
Uttar Pradesh . . . . .	18.290
West Bengal . . . . .	8.025

## STATEMENT OF OBJECTS AND REASONS

At present, a sum equivalent to forty per cent. of the annual net proceeds of the Union duties of excise, excluding cesses levied under special Acts and earmarked for special purpose, is paid to the States and distributed among them in the percentages which the Seventh Finance Commission had recommended. The Eighth Finance Commission in its interim report dated 14th November, 1983 has recommended that—

(i) subject to such re-adjustments as may be necessary on the basis of its final report, the existing arrangements in respect of the distribution between the Union and the States of the net proceeds of Union duties of excise may continue provisionally during the financial year commencing on the 1st day of April, 1984;

(ii) as the law imposing the Union duties of excise has since been extended to the State of Sikkim, that State would also be entitled to a share in those duties.

2. This provisional distribution would, however, be subject to such re-adjustments as may be necessary on the basis of the final report of the Commission.

3. The Bill is intended to give effect to the aforesaid recommendations of the Commission.

NEW DELHI;

PRANAB MUKHERJEE.

*The 23rd April, 1984.*

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FINANCIAL MEMORANDUM

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Clause 3 of the Bill seeks to substitute the existing section 3 of the Union Duties of Excise (Distribution) Act, 1979 to provide for payment to the States of a part of the net proceeds of the Union duties of excise, other than on generation of electricity. It is estimated that the payment to the States during the financial year 1984-85 shall amount to Rs. 3549.89 crores.

2. The Bill does not involve any non-recurring expenditure.



## BILL NO. 46 OF 1984

*A Bill further to amend the Additional Duties of Excise (Goods of Special Importance) Act, 1957.*

Be it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Additional Duties of Excise (Goods of Special Importance) Amendment Act, 1984.

Short  
title and  
com-  
mence-  
ment.

(2) It shall be deemed to have come into force on the 1st day of April, 1984.

2. In the Additional Duties of Excise (Goods of Special Importance) Act, 1957 (hereinafter referred to as the principal Act), in the long title, for the words, figures and letters "report dated the 28th day of October, 1978", the words, figures and letters "interim report dated the 14th day of November, 1983" shall be substituted.

Amend-  
ment of  
long title  
of Act 58  
of 1957,

3. In the principal Act, in the Second Schedule,—

(a) in paragraph 1, for the words, figures and letters "each of the financial years commencing on and after the 1st day of April, 1979, there shall be paid", the words, figures and letters "the financial year commencing on the 1st day of April, 1984, there shall be paid, provisionally," shall be substituted;

Amend-  
ment of  
Second  
Schedule.

(b) in paragraph 2, for the words, figures and letters "each of the financial years commencing on and after the 1st day of April, 1979, there shall be paid", the words, figures and letters "the financial year commencing on the 1st day of April, 1984, there shall be paid, provisionally," shall be substituted;

(c) in paragraph 3,—

(i) for the words, figures and letters “each of the financial years commencing on and after the 1st day of April, 1979, there shall be paid”, the words, figures and letters “the financial year commencing on the 1st day of April, 1984, there shall be paid, provisionally,” shall be substituted;

(ii) for the Table, the following Table shall be substitute, namely:—

TABLE

State	Percentage
(1)	(2)
Andhra Pradesh . . . . .	8.018
Assam . . . . .	2.297
Bihar . . . . .	7.219
Gujarat . . . . .	6.013
Haryana . . . . .	2.789
Himachal Pradesh . . . . .	0.734
Jammu and Kashmir . . . . .	0.744
Karnataka . . . . .	6.081
Kerala . . . . .	4.019
Madhya Pradesh . . . . .	6.419
Maharashtra . . . . .	13.506
Manipur . . . . .	0.185
Meghalaya . . . . .	0.171
Nagaland . . . . .	0.084
Orissa . . . . .	3.456
Punjab . . . . .	4.268
Rajasthan . . . . .	4.363
Sikkim . . . . .	0.034
Tamil Nadu . . . . .	7.707
Tripura . . . . .	0.256
Uttar Pradesh . . . . .	12.544
West Bengal . . . . .	9.091.”

## STATEMENT OF OBJECTS AND REASONS

The net proceeds of the additional duties of excise levied under the Additional Duties of Excise (Goods of Special Importance) Act, 1957, on sugar, tobacco, cotton fabrics, woollen fabrics and man-made fabrics in replacement of the States' sales-tax on these commodities are distributed in accordance with the provisions of that Act.

2. The Seventh Finance Commission had determined the shares attributable to Union territories and each of the States on the basis of:

(a) in the case of sugar, average despatches of sugar to the Union territories and to each State during the three years ending 1976-77;

(b) in the case of textiles and tobacco, population according to the 1971 census and the average *per capita* State domestic product, and had indicated percentage shares attributable to Union territories and payable to each State in respect of each commodity. The present distribution among the States is governed by those recommendations of the Seventh Finance Commission.

3. The Eighth Finance Commission in its interim report have recommended that in respect of the distribution between the Union and the States of the net proceeds of additional duties of excise in lieu of sales-tax, the existing arrangements may continue provisionally during the financial year commencing on the 1st day of April, 1984. The Commission have further recommended that the State of Sikkim should also receive a share from the proceeds of additional duties of excise on textiles in lieu of sales-tax as the levy of sales-tax thereon has been withdrawn by that State and that the percentage shares of all States, including Sikkim, in this levy which have been worked out by the Seventh Finance Commission should be applied for *inter se* distribution in the financial year 1984-85.

4. This Bill seeks to amend the Additional Duties of Excise (Goods of Special Importance) Act, 1957 for giving effect to the above recommendations of the Commission.

NEW DELHI;  
The 23rd April, 1984.

PRANAB MUKHERJEE.

## FINANCIAL MEMORANDUM

Clause 3 of the Bill seeks to amend the Second Schedule to the Additional Duties of Excise (Goods of Special Importance) Act, 1957, to provide for payment to States of their share of additional duties of excise on sugar, tobacco, cotton fabrics, woollen fabrics and man-made fabrics levied and collected under the said Act. In terms of the Act, the entire net proceeds, except the proceeds attributable to the Union territories, are distributable to the States. It is estimated that the payments to the States on this account during the financial year 1984-85 will amount to Rs. 748.92 crores.

2. The Bill does not involve any non-recurring expenditure.

## BILL NO. 45 OF 1984

*A Bill to amend the Union Duties of Excise (Electricity) Distribution Act, 1980*

BE it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Union Duties of Excise (Electricity) Distribution (Amendment) Act, 1984.

Short title and commencement.

(2) It shall be deemed to have come into force on the 1st day of April, 1984.

2. In the Union Duties of Excise (Electricity) Distribution Act, 1980 (hereinafter referred to as the principal Act), in the long title, for the words, figures and letters "report dated the 28th day of October, 1978", the words, figures and letters "interim report dated the 14th day of November, 1983" shall be substituted.

Amendment of long title of Act 14 of 1980.

3. For section 3 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 3.

"3. During the financial year commencing on the 1st day of April, 1984, there shall be paid, out of the Consolidated Fund of India, to the States sums equivalent to the distributable Union duties of excise on electricity levied and collected in that year and those sums shall be distributed, pro-

Payment to States of sums equivalent to

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visionally, to each of the States specified in column (1) of the Table below in such percentage as is set out against it in column (2).

TABLE

State	Percentage
(1)	(2)
Andhra Pradesh . . . . .	8.51
Assam . . . . .	1.09
Bihar . . . . .	5.74
Gujarat . . . . .	9.66
Haryana . . . . .	2.49
Himachal Pradesh . . . . .	0.53
Jammu and Kashmir . . . . .	1.15
Karnataka . . . . .	7.05
Kerala . . . . .	4.22
Madhya Pradesh . . . . .	7.09
Maharashtra . . . . .	19.38
Manipur . . . . .	0.04
Meghalaya . . . . .	0.11
Nagaland . . . . .	0.04
Orissa . . . . .	3.02
Punjab . . . . .	3.54
Rajasthan . . . . .	2.92
Sikkim . . . . .	0.01
Tamil Nadu . . . . .	7.71
Tripura . . . . .	0.08
Uttar Pradesh . . . . .	8.17
West Bengal . . . . .	7.43

## STATEMENT OF OBJECTS AND REASONS

In pursuance of the recommendations of the Seventh Finance Commission, during each of the financial years from 1979-80 to 1983-84, the net proceeds of the Union duties of excise on electricity levied and collected in that year were paid out of the Consolidated Fund of India to each State (excluding the State of Sikkim) in an amount equal to the collection in or attributable to that State. The percentages in which the sums were to be distributed have been specified in the Union Duties of Excise (Electricity) Distribution Act, 1980.

2. The Eighth Finance Commission in its interim report presented in November, 1983 has recommended that the existing arrangements in respect of the distribution of the Union duties of excise on electricity may continue provisionally during the financial year commencing on the 1st day of April, 1984. It has further been recommended that since the law imposing duty on the generation of electricity has been extended to the State of Sikkim, that State shall also be entitled to a share in that duty. These provisional arrangements are, however, of interim nature and would be subject to re-adjustments as may be necessary on the basis of the final report of the Commission.

3. The Bill seeks to give effect to the aforesaid recommendation of the Eighth Finance Commission.

NEW DELHI;  
*The 23rd April, 1984.*

PRANAB MUKHERJEE.

## FINANCIAL MEMORANDUM

Clause 3 of the Bill which seeks to substitute the existing section 3 of the Union Duties of Excise (Electricity) Distribution Act, 1980 provides for payment to the States of the net proceeds of Union duties of excise levied and collected on generation of electricity, other than in Union territories, during the financial year 1984-85. It is estimated that the payments to the States during the year would amount to Rs. 99.06 crores.

2. The Bill does not involve any non-recurring expenditure.



## BILL NO. 43 OF 1984

*A Bill further to amend the Estate Duty (Distribution) Act, 1962.*

BE it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows:—

- |   |  |
|---|--|
| <p>1. (1) This Act may be called the Estate Duty (Distribution) Amendment Act, 1984.</p>  | <p>Short<br/>title<br/>and com-<br/>mence-<br/>ment.</p>               |
| <p>(2) It shall be deemed to have come into force on the 1st day of April, 1984.</p>  | <p>Amend-<br/>ment of<br/>long<br/>title of<br/>Act 9 of<br/>1962.</p> |
| <p>2. In the long title of the Estate Duty (Distribution) Act, 1962 (hereinafter referred to as the principal Act), for the words, figures and letters "report dated the 28th day of October, 1978", the words, figures and letters "interim report dated the 14th day of November, 1983" shall be substituted.</p>   | <p>Amend-<br/>ment of<br/>section 3.</p>                               |
| <p>3. In section 3 of the principal Act, in sub-section (1),—</p> <p>(a) for the words, figures and letters "each of the financial years commencing on and after the 1st day of April, 1979", the words, figures and letters "the financial year commencing on the 1st day of April, 1984" shall be substituted;</p> <p>(b) for the words "be distributed", the words "be distributed provisionally," shall be substituted.</p> | <p>Amend-<br/>ment of<br/>section 3.</p>                               |

## STATEMENT OF OBJECTS AND REASONS

The net proceeds of estate duty in respect of property other than agricultural land levied and collected by the Government of India are to be assigned to the States within which the duty is leviable, and distributed among them in accordance with such principles of distribution as may be formulated by Parliament by law in terms of article 269 of the Constitution. The distribution of net proceeds of the duty levied and collected under the Estate Duty Act, 1953 is at present made in terms of the Estate Duty (Distribution) Act, 1962 as amended by the Estate Duty (Distribution) Amendment Act, 1979 on the basis of the recommendations of the Seventh Finance Commission. The Eighth Finance Commission, in its interim report dated 14th November, 1983 has recommended that the existing arrangements in respect of the distribution between the Union and the States of the net proceeds of estate duty may continue provisionally during the financial year commencing on the 1st day of April, 1984. This provisional distribution would, however, be subject to such readjustments as may be necessary on the basis of the final report of the Commission. This Bill seeks to amend the Estate Duty (Distribution) Act, 1962 to give effect to the interim recommendations of the Eighth Finance Commission regarding the provisional distribution of the net proceeds of the estate duty of property other than agricultural land, except the proceeds attributable to the Union territories, among the States.

NEW DELHI;

PRANAB MUKHERJEE.

*The 23rd April, 1984.*

SUBHASH C. KASHYAP,  
*Secretary-General.*